

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

ELMER LEE JEFFERSON,

Plaintiff,

v.

STERLING AKINS,

Defendant.

)
)
)
)
)
)
)
)
)
)

No. 1:23-CV-51 ACL

MEMORANDUM AND ORDER

This matter is before the Court upon plaintiff Elmer Lee Jefferson's "Motion for Appointment of Alternative Dispute Resolution (ADR) Pro Bono Limited Scope Counsel." ECF No. 2. For the following reasons, plaintiff's motion will be denied without prejudice.

First, this motion is premature as this case has not yet been referred to alternative dispute resolution. Second, there is no constitutional right to have counsel appointed in a civil case. *Ward v. Smith*, 721 F.3d 940, 942 (8th Cir. 2013); *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998). Rather, when determining whether to appoint counsel for an indigent litigant, the Court considers factors such as the complexity of the case, the litigant's ability to investigate the facts, the existence of conflicting testimony, and the litigant's ability to present his claims. *See Phillips v. Jasper Cnty. Jail*, 437 F.3d 791, 794 (8th Cir. 2006). Plaintiff has not demonstrated he is unable to afford counsel. To the contrary, he paid the Court's \$402.00 filing fee. He has also not shown any of the other factors set forth above to support appointment of counsel. The Court will therefore deny the motion for appointment of counsel without prejudice, and will entertain future motions, if appropriate, as this litigation progresses.

Additionally, the Court has reviewed the file in this case and noticed plaintiff has failed to file a Civil Cover Sheet and Original Filing Form with his complaint. The Eastern District of Missouri Local Rules require: “Every complaint or other document commencing a civil case shall be accompanied by a completed Civil Cover Sheet, an Original Filing Form and a Disclosure Statement.” E.D. Mo. L.R. 2.02(A). The Court will direct the Clerk to provide these forms to plaintiff, and he must file them within twenty-one (21) days from the date of this order. Plaintiff can also access these documents by visiting the Court’s website, available at <https://www.moed.uscourts.gov>, under the ‘Court Business’ tab and “Forms” link.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s Motion for Appointment of Alternative Dispute Resolution (ADR) Pro Bono Limited Scope Counsel [ECF No. 2] is **DENIED** without prejudice.

IT IS FURTHER ORDERED that the Clerk of Court shall send to plaintiff: (i) a Civil Cover Sheet; and (ii) an Original Filing Form.

IT IS FURTHER ORDERED that plaintiff shall file a completed Civil Cover Sheet and Original Filing Form no later than twenty-one (21) days from the date of this order.

Dated this 10th day of May, 2023.



ABBIE CRITES-LEONI
UNITED STATES MAGISTRATE JUDGE